

Jonathan Schwalb, Esq.  
Friedman Vartolo LLP  
85 Broad Street, Suite 501  
New York, New York 10004  
Attorney for Fay Servicing LLC as servicer for  
Wilmington Trust, National Association, not in its individual capacity, but solely  
As Trustee for MFRA Trust 2014-2  
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UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

-----X	:	CASE NO.: 18-29602
	:	
	:	CHAPTER: 13
	:	
IN RE:	:	HON. JUDGE.:
	:	CHRISTINE M. GRAVELLE
	:	
Cynthia A. Harris	:	HEARING DATE:
	:	<b>DECEMBER 5, 2018 AT</b>
	:	<b>10:00 AM</b>
	:	
	:	
	:	
Debtor	:	

-----X

### NOTICE OF OBJECTION TO CONFIRMATION OF PLAN

**PLEASE TAKE NOTICE** that Fay Servicing LLC as servicer for  
Wilmington Trust, National Association, not in its individual capacity, but solely  
As Trustee for MFRA Trust 2014-2 ("Secured Creditor"), the holder of a mortgage on real  
property of the debtor(s), by and through its undersigned attorneys, hereby objects to the  
confirmation of the Chapter 13 Plan on grounds including:

1. Debtor(s) plan fails to provide for the claim of Secured Creditor. The objecting creditor is due arrears of approximately \$1,091.15 which will be set forth in a Proof of Claim to be filed prior to bar date.
2. Debtor(s) seeks to modify the rights of Secured Creditor, which is the holder of a claim secured only by a security interest in real property that is the principal residence of the

debtor(s). Debtor(s) proposed plan seeks to cramdown Secured Creditor's claim. The Debtor(s) cannot attempt to cramdown Secured Creditor's claim through Debtor(s) plan. The Debtor(s) must file a motion in order to cramdown a secured claim. As the Debtor(s) have failed to file a motion, confirmation of Debtor(s) plan should be denied.

3. Secured Creditor further objects to confirmation of this proposed plan as Secured Creditor believes that the value of the property is higher than the amount owed on the first lien. Therefore, confirmation of the proposed plan must be denied, pending a formal valuation of the property.
4. Debtor(s) proposed plan fails to comply with the requirements of the Bankruptcy Code and is not proposed in good faith.
5. Debtor(s) proposed plan does not provide that Secured Creditor retain its lien.
6. Debtor(s) proposed plan is not feasible.
7. Debtor(s) proposed plan fails to comply with other applicable provisions of Title 11.

In the event any portion of the claim is deemed to be an unsecured claim as defined by the Code, objection is hereby made pursuant to 11 U.S.C § 1325(a)(4) and 1325(b), et seq. unless the plan provides for full payment of the claim.

FRIEDMAN VARTOLO LLP  
85 Broad Street Suite 501  
New York, New York 10004  
Attorneys for Secured Creditor,  
Fay Servicing LLC as servicer for  
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Association, not in its individual  
capacity, but solely  
As Trustee for MFRA Trust 2014-2

By: /s/ Jonathan Schwalb  
Jonathan Schwalb, Esq.

Date: November 2, 2018

UNITED STATES BANKRUPTCY COURT  
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**Caption in Compliance with D.N.J. LBR 9004-1(b)**

Jonathan Schwalb, Esq.  
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Attorneys for Fay Servicing LLC as servicer for  
Wilmington Trust, National Association, not in  
its individual capacity, but solely  
As Trustee for MFRA Trust 2014-2

In Re:

Cynthia A Harris

Case No.: 18-29602

Chapter: 13

Adv. No.: \_\_\_\_\_

Hearing Date: December 5, 2018 at 10:00 AM

Hon. Judge: Christine M. Gravelle

**CERTIFICATION OF SERVICE**

1. I, Theodore Weber :

☐ represent \_\_\_\_\_ in the this matter.

☒ am the secretary/paralegal for Jonathan Schwalb, Esq., who represents  
Fay Servicing LLC in the this matter.

☐ am the \_\_\_\_\_ in the this case and am representing myself.

2. On November 2, 2018, I sent a copy of the following pleadings and/or documents  
to the parties listed in the chart below.

- Notice of Objection to Confirmation of Plan

3. I certify under penalty of perjury that the above documents were sent using the mode of service  
indicated.

Date: November 2, 2018

/s/ Theodore Weber  
Signature

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Cynthia A Harris 505 William Street Trenton, NJ 08610	Debtor(s)	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Stephanie F. Ritigstein Jenkins and Clayman 412 White Horse Pike Audubon, NJ 08106	Debtor(s) Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Albert Russo Standing Chapter 13 Trustee CN 4853 Trenton, NJ 08650-4853	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)